

## **BOARD OF MAYOR AND ALDERMEN**

**March 3, 2004**

**7:30 PM**

Mayor Baines called the meeting to order.

The Clerk called the roll.

Present: Aldermen Roy, Gatsas, Guinta, Osborne, Porter, O'Neil, Lopez, Shea, DeVries, Garrity, Smith and Forest

Absent: Aldermen Sysyn and Thibault

Mayor Baines stated before I begin the meeting this evening I want to welcome Michael Colby who is my new assistant. He has joined my staff this week. Michael comes to us with a great deal of experience and I know you are going to enjoy working with him. Again, welcome to City Hall Michael.

### **CONSENT AGENDA**

Mayor Baines advised if you desire to remove any of the following items from the Consent Agenda, please so indicate. If none of the items are to be removed, one motion only will be taken at the conclusion of the presentation.

### **Accept Minutes**

- A. Minutes of meetings of the Board of Mayor and Aldermen held on December 16, 2003 (two meetings), December 22, 2003 and January 6, 2004 (two meetings).

### **Pole Petition – Approve Subject to the Review and Approval of the Department of Highways**

- B. PSNH Pole Petitions (3) #11-990 located on East Industrial Park Drive.

### **Informational – to be Received and Filed**

- F. Communication from the NH Department of Transportation, advising that the Special Committee appointed by Governor and Executive Council will meet on Wednesday, March 24, 2004 at 2:00 PM in Room 114 of the NHDOT headquarters, 7 Hazen Drive, to determine if there is occasion for the layout of highway improvements as proposed for the I-93 widening in the communities of Salem, Windham, Derry, Londonderry, and Manchester; and providing a copy of the report of the Commissioner.
- G. Copy of a communication from the US Department of Housing and Urban Development advising of the City's FY2004 budget allocations.

## **REPORTS OF COMMITTEES**

### **COMMITTEE ON ACCOUNTS, ENROLLMENT AND REVENUE ADMINISTRATION**

- I.** Advising that it has approved Ordinance:

“An Ordinance amending Section 92.24 Tampering with Alarm Boxes by establishing an initial and annual renewal fee for persons authorized under the Fire Department Listed Agent Program.”

and recommends same be referred to the Committee on Bills on Second Reading for technical review.

- J.** Recommending that the 2<sup>nd</sup> quarter FY2004 write-off list for the accounts receivable module be approved.

### **COMMITTEE ON HUMAN RESOURCES/INSURANCE**

- K.** Advising that it has approved Ordinance amendments:

“Amending Section 33.026 (Laboratory Technician I) of the Code of Ordinances of the City of Manchester.”

“Amending Section 33.026 (WWTP Operator) of the Code of Ordinances of the City of Manchester.”

providing for changes in class specifications, which do not change the title of any position and do not change the salary grade of any position.

- L.** Recommending that the Board approve the reclassification of two Public Health Translator positions, salary grade 12 to Public Health Specialist positions, salary grade 16 and further advising that it has approved Ordinance:

“Amending Section 33.026 (Public Health Specialist) of the Code of Ordinances of the City of Manchester.”

providing for changes in class specifications to combine functions. The Committee notes that such changes do not change the title or salary grade of the current Public Health Specialist classification.

### **COMMITTEE ON JOINT SCHOOL BUILDINGS**

- M.** Advising that it has accepted the closeout of the NORESKO Energy Services Maintenance Contract at the request of the School District due to the current revamping of energy management systems of School facilities.

**HAVING READ THE CONSENT AGENDA, ON MOTION OF ALDERMAN O'NEIL, DULY SECONDED BY ALDERMAN DEVRIES, IT WAS VOTED THAT THE CONSENT AGENDA BE APPROVED.**

- C.** Copies of minutes of the Manchester Conservation Commission meeting held February 2, 2004.

Alderman Forest stated in reading the copies of the minutes of the Manchester Conservation Commission I noticed that they have listed Ms. Jane Beaulieu as an Associate Member of the Commission. From what I understand Ms. Beaulieu resigned her post a year or so ago. I know that she has been attending all of the meetings and she does get involved in the meetings but I believe the City Charter says that there are seven members to that Commission. I believe there are seven members and there is nothing in the Charter that states that an Associates position is available so I would like a letter sent to them to just correct their minutes to make sure that she is just a guest.

Mayor Baines responded the Clerk will take care of that.

On motion of Alderman Forest, duly seconded by Alderman Shea it was voted to receive and file this item.

- D.** Copy of a communication from the NH Department of Environmental Services to PD Associates LLC, advising of a Wetlands Bureau Complaint alleging installation of new catch basins and culverts on Candia Road.

Alderman Gatsas asked is there somebody that can respond to this letter because I don't know why we would be sent a copy. It is about the Wetlands Bureau and the installation of new catch basins.

Mr. Robert MacKenzie stated I am aware of this situation. Normally DES does send copies to what they call the Selectmen of a community so that it goes on record. There is nothing that the City has to do about this. We are aware and we have seen environmental reports that the issue is being resolved. That is the Ledgewood Project and we are aware that they have an environmental group, West Engineering, and they have been following that closely and a member of the Conservation Commission, I know, has toured the site. So the issue is being reviewed.

Alderman Gatsas asked does this interfere with anything that has to do with the revamping of Candia Road.

Mr. MacKenzie answered no. This is directly related to Ledgewood. It is a private development project not related to the Candia Road reconstruction.

On motion of Alderman Gatsas, duly seconded by Alderman O'Neil it was voted to receive and file this item.

- E.** Communication from the NH Department of Health and Human Services, Division for Juvenile Justice Services, advising of the State's plan to construct a new architecturally secure juvenile facility on the campus of the Youth Development Center at 1056 River Road.

Alderman Guinta stated I read through briefly this letter and I know that there has been discussion on this Board at various times in the last couple of years but according to RSA 674:54 we entitled to a public hearing or we are entitled to set a public hearing and I am wondering if that would be appropriate to further insure that the community has ample opportunity to address this.

Mayor Baines asked Deputy Clerk Johnson, are you aware of this.

Deputy Clerk Johnson responded I am not but I can certainly follow up on that.

Mayor Baines asked could you follow up and report at the next Board meeting. Alderman Gatsas can you enlighten us on that?

Alderman Gatsas responded all I can tell you is this facility comes through Senate Bill 55, which is a study committee that I was a member of and I can tell you that the public input that has been involved with this project has been very intense. The neighbors in the neighborhoods have been invited probably four or five different times with notices. They have made suggestions. The architects have moved it around. The state has accommodated them with the different situations that they were looking for so that it wouldn't look like an institution but it would have some trees and a fence. I think that setting up another public hearing...I think you will find that in the past Alderman Wihby was in attendance along with Councilor Wieczorek. There was pretty good attendance by the representatives of the City so I think it certainly has had the scrutiny of the neighborhood and I don't know if we need another public hearing. Certainly I am not opposed to public hearings but I just think that...

Mayor Baines interjected so you feel that that requirement has already been met because I know these were publicly posted and again very well attended.

Alderman O'Neil stated just to follow up on a couple of Alderman Gatsas' comments I know that I attended several meetings there in the two years that I served in the Senate. I believe the project is going to bid this week or next week or something so it is moving along.

Mayor Baines stated I would accept a motion to receive and file this communication.

Alderman Gatsas moved to receive and file this item. Alderman Forest duly seconded the motion.

Alderman Guinta asked are you saying that you are opposed to a public hearing.

Alderman Gatsas asked is that a question to me.

Alderman Guinta answered no the Mayor.

Mayor Baines stated I have no opposition to everything. Alderman Gatsas made a motion and clarified that the public input has been there and it is going out to bid this week.

Alderman Guinta asked was that at the state level.

Alderman Gatsas answered there were probably at least six public hearings from the conceptual design to the final design that the residents of that neighborhood were sent I believe certified letters to their homes to attend. The attendance was always probably with 15 or 20 residents that were abutters to that property both on River Road, McCarthy Street which I think is the street that abuts it on the other side and I can tell you that they are in absolute agreement with the project. Joe Diamond did a great job of getting the neighborhood involved so that the project would move forward and I can tell you the scrutiny that has been put down there with public hearings...I certainly am not opposed to a public hearing but I think all you are going to have is people coming in and giving accolades to the project because not at one time did we ever have anybody in opposition to the work we were doing there.

Alderman Guinta stated it would be nice to have the public provide accolades on a City project.

Alderman Forest stated I just want to reiterate what Aldermen Gatsas and O'Neil have been saying. I have received four or five notices over the past two years about public hearings because of that facility and because of that project. I agree with them that they have had a lot of public hearings on this. If you want another one, that is fine.

Alderman Lopez stated I attended three of those meetings and I know that Lou D'Allesandro was there and there were quite a few neighbors there. They had a lot of input so I would like to move the motion.

Mayor Baines called for a vote on the motion to receive and file this item. There being none opposed, the motion carried.

- H.** Report of the Committee on Accounts, Enrollment and Revenue Administration recommending that the Board of Mayor and Aldermen request the Mayor to include appropriate resolutions in his budget presentation for referral to the Committee on Finance for further consideration, and with the intent that same will be referred to public hearing with the School District and other budget resolutions.

Alderman Shea stated this has to do with establishing trust funds for the School Department, your Honor and I think there was a discussion...I know that one of the members of the Committee wanted more information and at that time obviously had some questions about it. I think the question had to do with establishing the trust funds, which the Committee agreed to do but it is how these funds are going to be appropriated. I think there was a difference of opinion as far as whether this is similar to a rainy day fund and would come out of surpluses from the School Department or whether it would be a direct line item. I think that obviously that is what we should sort of give thought to when we have that Finance Committee meeting.

On motion of Alderman Shea, duly seconded by Alderman Smith it was voted to accept, receive and adopt the report of the Committee on Accounts, Enrollment and Revenue Administration.

- N.** Advising that it has approved Ordinance:  
“Amending Section 70.55 Residential Parking of the Code of Ordinances of the City of Manchester by adding additional area to Residential Parking Permit Zone #4.”  
and recommends same be referred to the Committee on Bills on Second Reading for technical review.

Alderman Osborne moved to suspend the rules and place the Ordinance on its third and final reading without referral to the Committee on Bills on Second Reading. Alderman Shea duly seconded the motion.

Mayor Baines asked so this would not go to the Committee on Bills on Second Reading.

Alderman Osborne answered right. I think this is a no-brainer.

Alderman Lopez stated this hasn't had an opportunity to go to Bills on Second Reading and I would ask the Board to let it go to Bills on Second Reading. I have a problem in one of the areas and I would offer a friendly amendment to Alderman Osborne and that is Beech Street, west side, from Auburn Street to Valley Street. The reason I would like to offer that amendment is a lot of people that go to the Beech Street School park there during the day time and they visit that school. There are some businesses along that route there and also there is a pizza place across the street and a dentist at the end of the street. I cannot support this unless there is a friendly amendment.

Mayor Baines asked so you are recommending that it go to Bills on Second Reading so that it can be reviewed.

Alderman Lopez replied if the Alderman will accept a friendly amendment of eliminating Beech Street, west side, from Auburn Street to Valley Street then I would agree with it.

Mayor Baines asked would you agree to do that.

Alderman Osborne responded no your Honor. I would like to ask a question to my colleague. I would like to know why you would like to eliminate Beech Street. What is the reason?

Alderman Lopez replied I think I just gave the reasons. A lot of people visit Beech Street School and there are not a lot of parking spaces on Beech Street. Most of the houses are on Grove, Auburn and Bell Street. Most of the entrances are on the side streets versus Beech Street. There are approximately four or five houses on Beech Street. That is the reason. I don't think we take a major thru-way and put two hour parking there when people visit Beech Street School all of the time.

Alderman Osborne stated I don't think that is a good reason because there is plenty of parking for teachers or anybody visiting the school right at JFK Coliseum. I have lived in that ward all of my life. I lived on Grove Street between Beech and Union and I know who parks there and who doesn't. I know that ward better than anybody and I can tell you right now there is no reason to eliminate Beech Street from it because we are only talking seven or eight parking spaces. I don't know what the big deal is here at all. I made the motion and I got a second and I would like a roll call.

Mayor Baines stated well we will see if there is anymore discussion.

Alderman Shea stated just by way of clarification this is for just one-year right. Is that was this is for because of the baseball at Gill Stadium?

Mayor Baines asked does it have that provision that it is one year.

Alderman Osborne answered no it doesn't.

Mayor Baines stated I would recommend that this go to Committee so these issues can be flushed out. That is why we have the Committee process and it would seem that two weeks longer for this would not be unacceptable but I will call for a vote.

Alderman Porter asked would it be feasible to consider that Beech Street be included in there but from a particular time on. If this is to accommodate a few parking spots for baseball

certainly there wouldn't be many baseball games in the morning or early afternoon. If you had a time, for example, 4 PM on resident parking only by permit or something along that line. I will just throw that out as something to consider.

Mayor Baines responded again that could be determined in Committee.

Alderman Gatsas stated I am not opposed to making accommodations for the residents who are there because God knows there isn't much parking down there as it is. I am sure that for that one year of baseball to accommodate the residents who are living in these homes is not difficult and I think we should do that but I don't know why we should extend it past whatever year or month into the following year if baseball leaves. This ordinance was never in effect before and I think they are only affected at this point with the baseball thing and I commend my colleague from Ward 5 bringing this forward to protect those residents but it has never been there for a protection purpose before baseball.

Alderman Osborne responded this can be brought back up after a year if baseball does leave in that period of time. It could take a little longer. Who knows but we could bring that up. There is no reason for this to go to Bills on Second Reading. This could be brought up again at a later date after we see what goes on with the baseball team. So we don't need a provision like that in there.

Mayor Baines replied the only thing I am a little concerned about here and that would be the provision that it would go to that Committee. Tonight the Aldermen have questions and concerns and we have a Committee structure to deal with that.

Alderman Roy asked how quickly can we enact this. Baseball is talking about starting mid-April. If we do take two weeks and I do agree that it should go to Bills on Second Reading and I sit on that Committee. I would like to see it so we can scrutinize it. I do believe that this is in the best interest of the neighborhood. I do agree with Alderman Osborne but how quickly could we enact this if it goes forward?

Deputy Solicitor Arnold stated the Clerk just informed me that Bills on Second Reading is meeting before the next Board meeting so presumably you could bring it back at the second meeting in March and act on it.

Alderman Roy asked from the time it is enacted, Tom, how quickly could we get it signed and get it up to speed so those residents aren't impacted by baseball.

Mayor Baines asked could it be done within a month, Mr. Lolicata.

Mr. Thomas Lolicata answered within a week.



Alderman Gatsas asked would my colleague from Ward 5 accept a friendly amendment.

Mayor Baines stated we are going to take a roll call on the motion to suspend the rules and place the Ordinance on its final reading. Aldermen Osborne, Shea, Garrity, Smith, Gatsas, and Guinta voted yea. Aldermen Porter, O'Neil, Lopez, DeVries, Forest, and Roy voted nay. The motion failed as there were not 10 yeas as required to suspend the rules.

Alderman Forest moved to accept the report. Alderman DeVries duly seconded the motion.

Alderman Gatsas asked will my colleague from Ward 5 accept a friendly amendment to add that the parking provision will only be there for as long as the baseball team moves forward and we can pass it tonight without going to Bills on Second Reading.

Alderman Osborne answered I will accept that one.

Deputy Clerk Johnson stated I don't object to the thought process of what is being stated but I would have to say that we would have to put some kind of definitive date as to when it would expire.

Mayor Baines asked why wouldn't we deal with this in Committee and get it back here in two weeks. What is the problem with two weeks?

Alderman Lopez stated we can take it up before the next meeting.

Mayor Baines stated I just can't see why it can't go to Committee and get back here in two weeks. There is nothing that is going to be impacted.

Alderman Gatsas stated July 2006. I will give you a date of July 2006 if the Clerk is looking for a date.

Alderman DeVries stated the question is of no value if it does not end up going to Committee but before it goes to Committee I would be interested in seeing if there is a definitive schedule from the baseball team so we can identify whether there is any overlap in scheduling between Beech Street School and the team when they would be in session. I am getting a no over there. Are we sure that there will never be a game that will interfere with any activities at the School?

Alderman Smith responded unless they have an activity at night, no.

Alderman DeVries asked do we know if Beech Street School frequently has things going on at night. There is a community center at Beech Street School is there not?

Mayor Baines responded again there are going to be minimal conflicts. This is not going to be a perfect situation.

Alderman DeVries stated I understand that. I was just trying to get information.

Mayor Baines replied that is why we have a Committee structure so we are not trying to solve things with 15 of us at a meeting. I would ask that we let this go to Committee and move along here.

Deputy Clerk Johnson stated you did not take a vote on accepting the report and I believe there was an attempt to amend the report.

Mayor Baines stated let's take a vote to accept the report.

Alderman Gatsas stated I just made an amendment. Did I get a second?

Alderman Osborne duly seconded the motion to amend the report to include the date July 1, 2005. Mayor Baines called for a vote. There being none opposed, the motion carried.

Mayor Baines called for a vote on the main motion to accept the report as amended.

Alderman Gatsas requested a roll call vote. Aldermen Gatsas, Guinta, Osborne, and Garrity voted nay. Aldermen Porter, O'Neil, Lopez, Shea, DeVries, Smith, Forest, and Roy voted yea. The motion carried.

Nominations to be presented by Mayor Baines.

**Board of Employees' Contributory Retirement System**

Charles Hungler to fill a vacant seat, term to expire January 2005

Mayor Baines stated I am nominating Chuck Hungler for a spot on the City Contributory Retirement Board. That is just for informational purposes only.

**OTHER BUSINESS**

Communication from Kevin A. Dillon, Airport Director, requesting that the Airport Director be authorized to negotiate and execute a 15-year lease with the NH Aviation Historical Society.

On motion of Alderman Forest, duly seconded by Alderman O'Neil it was voted to authorize the Airport Director to negotiate and execute a 15-year lease with the NH Aviation Historical Society subject to the review and approval of the City Solicitor.

Draft Resolution in Opposition to HB 1416-FN relative to a permanent property tax exemption for wooden poles and conduits.

Mayor Baines stated in lieu of the information that has been presented this evening the Chair would recommend that this be referred to the Committee on Administration to monitor this bill over the next two years while it is in study. That would be my recommendation.

Alderman Porter moved the item for discussion. Alderman DeVries duly seconded the motion.

Alderman Guinta stated I am not sure why it is necessary to move it to Committee

Mayor Baines responded it is going to be in study for two years...it is going into study isn't it.

Mr. Erle Pierce stated if it passes.

Mayor Baines stated so it would be to monitor the bill as it goes forward. That's all.

Alderman Guinta stated I think we have a clear understanding of the essence of the bill. I think initially you were looking to oppose the two-year sunset provision, correct.

Mayor Baines responded we had a request from the Municipal Association to put this on the agenda tonight for discussion.

Alderman Guinta asked were you in favor of the sunset provision.

Mayor Baines answered until I received the information this evening, which I feel is a good alternative to this which is to study it and move forward over the next two years I believe that is an approach I can support.

Alderman Guinta replied two things. First, we have the Municipal Association who would monitor it for us and secondly we have lobbying proposals that we are going to be reviewing so I don't know at this point if it would be necessary for a Committee to take it under consideration or advisement. I think we have the Mayor's Office, the Municipal Association and a potential lobbying firm who could address the issue if it does...

Mayor Baines interjected it was just a vehicle to deal with the situation. I really don't have any strong opinion.

Alderman Guinta stated I would prefer to just receive and file.

Alderman O'Neil stated my position would be that we go on record as opposed to lifting the exemption. I am very concerned...I heard that there are approximately 1,000 people employed in the City by Verizon. I heard in the back room that they pay somewhere over \$800,000 a year in property taxes to the City already. They certainly have been a good corporate neighbor to the City and we heard Mr. Hickey talk about the loss of and I will use the term landlines in just the last couple of years. I think what goes on regarding the utilities is very important because they all headquarter in Manchester and all employ an awful lot of people in Manchester and pay an awful lot of taxes in Manchester. My position would be that...and I have to be careful of how I say this because there is some opposition to opposing the bill or something but I am opposed to taxing wooden poles and conduits.

Mayor Baines asked Mr. Erle Pierce to come forward. Maybe I misunderstood you. I thought the bill had now been changed so this is no longer the bill. That was my intent for the request for referral.

Mr. Pierce stated I am sorry if I confused the issue. There was a study committee that suggested a permanent exemption that took place last year. There was some opposition in the House to the idea of a permanent exemption so the House Ways and Means Committee changed the bill to a temporary exemption while it was being studied to talk about revenue sharing and those issues that I spoke of in my earlier testimony. So the bill right now has passed Ways and Means. The status of the bill is it would be an exemption that would form...a bill that would form a study committee and make a temporary exemption for two years. A report is due from the study committee in 2005 to make a recommendation to the Legislature as to where to go from here.

Mayor Baines stated so I guess it is just a matter of semantics whether you want it in a Committee to monitor what is going to be going on so you can receive periodic reports and that would be the appropriate Committee to see what is going to happen to this over the next two years. There is a revenue sharing provision that is in this right?

Mr. Pierce it is part of a study committee to look at sharing revenues with the communication services tax, which the state has said time and time again is a fair way to tax all telecom companies.

Alderman Shea stated what I was thinking as Alderman Guinta mentioned the lobbying group is that it is incumbent that if we were to get a lobbying group that group should also report to the Committee on Administration which would make sense because the ultimate decision for either rejecting or accepting certain bills would rest with that particular Committee which would recommend to the Board. So I really think that it probably does make sense to keep that as an open question.

Mayor Baines responded it would also be a good conduit for our delegation with Chairman Pepino and others to come in and meet with the Committee periodically to see what is going on with that so that was the intent of that.

Alderman Roy stated I would like to concur with Alderman O'Neil that the idea of taxing wooden poles is a pass through to the consumer that could cost considerable jobs in the City of Manchester and affect our tax base, which does directly affect our residential taxpayer so I, for one, would be deeply opposed to taxing the wooden poles and would like the bill to be monitored. This gives us another good reason to have a lobbyist who works directly for the City of Manchester.

Alderman Porter stated having worn an Assessors hat for 22 years, my philosophy was if it didn't move, tax it unless the owner could provide and demonstrate that they were not taxable. This has been in existence for a long time. I remember 10 years ago there was a move on some towns. They did go ahead and tax the telephone poles. I believe there were 33 towns and communities. Manchester, fortunately, wasn't one of them and they had to give all the money back to the telephone company. The Supreme Court did eventually rule that it was illegal. Bringing us to this. I think I read in the information handed out that it would cost somewhere between \$.25 and \$.75 per month per customer for their phone line. I don't think we have heard the other side of the equation and I would like to ask Steve Tellier...this bill has been around for a long time. Have you done anything...has the Board done anything to estimate what the amount of revenue, well not revenue but what the amount of tax base would be? For example, a \$50 million tax assessment would be equivalent to \$.25 on the tax rate. I think that in order to have both sides of the equation it would be important for me to make a decision knowing roughly what would we be looking at at the local level from a tax base point of view and then weigh that to the likelihood of a surcharge levied by the telephone company.

Mr. Steve Tellier stated yes we have done some initial investigation. There are approximately 17,000 to 20,000 poles here in the City. We have estimated usually Marshall & Swift, which is a nationally recognized cost approach to value that the value on the poles only at this point is approximately \$6 million, which would recognize a revenue in taxes of about \$150,000. Additionally, what we don't have a handle on yet is the extent of the conduits and the wires. If we were to just approach that revenues could reach anywhere up to \$300,000 at this point. There are a couple of...just a few talking points that I would like to go over and I will make them very brief. As indicated, the telecommunications industry is a \$1 billion industry. We don't subsidize any other businesses in the state. Everyone else in the northeast taxes telephone poles and wires. The telecommunications industry is not presently treated like any other utility. They have an exemption. I understand that they are fighting significantly to retain that exemption and understandably that is why it appears that this two-year sunset has become a more palatable solution to provide for more interim study. However, there are a lot of issues here. We feel that it should be taxed. I would concur with

Alderman Porter that they are just not treated the same as everybody else. Recognizing that the vast majority of resources are paid with property taxes at the local level, this is where the taxes should be garnered and collected. I will end my comments and answer any questions you may have.

Alderman Porter stated given the numbers that you have presented at \$6 million of assessed value...

Mr. Tellier interjected on the poles only.

Alderman Porter stated on the poles only that comes out to approximately \$.03 on the tax rate. \$.03 and it really...I don't like to hear assessment being used as revenue. Assessment is used to lower the tax rate, not to generate revenue. I think that at \$.03 per \$1,000 if you had a \$200,000 home that would be approximately \$6 for the year. If you are talking a surcharge of \$.75 and they only have one line or maybe two lines at \$.75 that would be \$9. What I am trying to do is get some sort of balance here as to if we take a stand to go ahead and tax the poles what does that mean in terms of a tax base impact on the tax rate vis a vis what the person might end up paying should they be levied a surcharge by the phone company. I think those figures are important and given the information you have given me tonight I could not support removing the exemption on the telephone poles.

Mr. Tellier stated as a point of issue the NH Municipal Association is opposed to granting this exemption and the Assessor's Association is opposed to granting this exemption as well. There has been quite a bit of discussion at the local level. It has been...this vote has been delayed several times because of the extent of the opposition. There is incredible lobbying and there are a lot of issues here on the table.

Mayor Wieczorek responded again that is why I have asked that it be referred to the Committee so the Committee can monitor that.

Alderman Gatsas asked, Mr. Tellier, are those shared poles or are they all poles for telecommunication.

Mr. Tellier answered the vast majority are shared and we took that into consideration on halving the amount assessed on the poles. We already took that into consideration.

Alderman Gatsas stated but everybody should understand that if you have those poles then we are still receiving a revenue of \$150,000 from those poles. Is that correct?

Mr. Tellier responded from the half on the telecommunications; that is correct.

Alderman Gatsas stated and we should also make it clear to the people who are watching that this is not a new exemption but this exemption has been in effect for how long, Mr. Pierce.

Mr. Pierce responded it was created in 1998.

Alderman Gatsas asked is there a communications tax that you folks pay.

Mr. Pierce answered yes. There was a...before 1990 we did pay tax on these poles at the state level and that tax was repealed and was replaced with a communications services tax, which at the time the Legislature had decided that given the changes in the telecommunications industry while the gentlemen to the left compared our utilities to other utilities I would argue that the telecommunications field is completely different than any other utility because whether it is electric, gas or water there is only one way you get your service. It is either over wires or through a pipe. When it comes to telecommunications you receive it over wires, in the air, satellite...there are a number of different ways to receive your telecommunication services. That is why the communications services tax was created in the first place. That is a gross receipts tax on the end user. The repeal of the statewide personal property tax at the time was \$10 million that we paid to the state. The portion on the poles and conduit on that was about \$2.5 million. In 1998, the exemption was created because electric companies went to towns to file abatements saying a pole is a pole and if a telephone pole is personal property then the electric poles should also be personal property and not be subject to municipal taxes. It went to the Supreme Court. The Legislature came forward and said okay municipalities in order to preserve your revenues we will reclassify telephone poles as real property making your abatement proceedings mute but we are going to create this exemption to create and maintain the balance between all telecommunications companies.

Alderman Lopez stated I think that there are going to be a lot of people watching this particular issue and I do agree that we ought to get it to a Committee that way people could appear before the Committee and also the Assessors will be watching it and I am sure that all kinds of other people will also. I would like to move to refer it to the Administration Committee.

Mayor Baines stated the motion has already been made. Mayor Baines called for a vote on the motion to refer all matters pertaining to HB 1416-FN including the amended version be referred to the Committee on Administration/Information Systems to monitor. Alderman Guinta requested a roll call vote. Aldermen Guinta, O'Neil, Garrity, Smith, and Roy voted nay. Aldermen Osborne, Porter, Lopez, Shea, DeVries, Forest, Gatsas voted yea. The motion carried.

Mayor Baines stated before we go any further and before I lose him I am going to pause for a moment to say a couple of words about David Scannell. I thought he was going to boycott

this meeting tonight as he did the previous meeting. David has been with me, and he is going to hate every moment of this so David I will make it as painless as possible, he has been with me since the beginning of my term as Mayor. David is perhaps one of the most thoughtful, dedicated, intelligent, compassionate people that I have ever worked with in my entire career. He is a champion for the underdog and you know the Mayor's Office is...Mayor Wieczorek described it when I became Mayor he said always remember that this is the last hope for a lot of people when they are dealing with different issues facing them in the community. One of the things the Mayor's Office does very well is constituent services and David has been at the forefront of that from Day 1. If you walk into the office and you see him working with constituents...some of the most needy people in our community looking for access to services and if you had seen him most recently as he mobilized the community dealing with the Jac Pac issue that is really what David is all about. I am going to miss him immensely as everyone in our office will and the City Hall family but he is going to serve the School District. It is a great job for David. He is going to be working on community relations and ADA compliance issues and I will sorely miss him. On behalf of the Board of Mayor and Aldermen and this Mayor and everybody who has worked in my office, David, thank you for a job very well done.

Communication from Frank Thomas, Public Works Director, seeking authorization to enter into another one-year contract with Waste Management, Inc. for recycling and yard waste services.

Alderman Roy moved the item for discussion. Alderman Osborne duly seconded the motion.

Alderman DeVries stated though I certainly understand that currently we have the opportunity for a very good contract with Waste Management to continue for one more year the recycling and yard waste contract, I would have to strongly voice my concern though. There is not a contract that I have found to be more of an annoyance for an Alderman and I am sure other Alderman have had the same difficulties with the reliability issues that we have had with Waste Management. I would like to see some consideration given to, at this point in time, any ability that we have to leverage any changes within this contract before we do renew for one more year.

Mr. Thomas responded though I share some of your concerns it has been very difficult in some areas. As everybody here knows, the Christmas trees hung around the City for better than a month and a half. Waste Management was required by contract to pick them all up in two weeks. They were in the City six weeks. We had to finally step in at the Highway Department to finish the collection. We intend on deducting our costs from payments made to them. I have sat down with the general manager and their supervisory staff. I have relayed our concerns with inconsistencies in all of the areas. Yard waste...from experience when the Highway Department was collecting it, it is a very difficult endeavor to properly



staff for because you have tremendous peaks and valleys. We are having a mild winter. People are already out starting to clean their yards and quite frankly when yard waste collection starts it is going to be a burden to keep up with. However, I think overall even though we have had delays in recycling because of new people coming on there is quite a change in manpower at Waste Management. They realize that we realize that if you get a new driver in town and he is not familiar with the routes areas get missed. In talking with the general manager, he has assured me that he is going to be providing more supervisory staff for the City. I have already forewarned them that we are going to be monitoring him closely and their operation closely and quite frankly will be on their back. I can try to negotiate some additional fines and penalties into this agreement, however, I don't have a lot to leverage at this point because I can't just walk away from this service right now. My recommendation would be if the level of service doesn't continue we have another one-year option after this one. If I see in six months that the level of service hasn't improved what I would recommend to the Board of Mayor and Aldermen is that we proceed in this upcoming year to go out for another RFP for these services. It will take approximately six months to go through the RFP process to bring on a new contractor to do recycling and yard waste. The reason why such a long period of time is that any company other than the same one would have to potentially gear up with manpower and equipment to address our needs.

Alderman DeVries stated one item that I would like to see added on to the existing contract that I don't think would be a major change would be a statement that they will...if they do not finish a route for recycling or yard waste on the designated day that they are assigned to be on that particular route, if they do not finish it that before they move on the next day to a new route that they go back and finish the uncompleted portion. That way, a homeowner will know that they need to make the phone calls to the Highway Department to alert them that certain portions haven't been completed, specifically with the yard waste. I mean if they miss a bi-weekly pick up it is a month and by the time Waste Management would actually hit an area the bags will be soggy and then they won't pick them up. Recycling is the same issue. I think if there is one phrase that can be added in there to assure us that they will complete one area before they initiate the next day's assignment that would go far for one more year.

Mr. Thomas responded that quite frankly is a requirement that is in the existing contract.

Alderman DeVries replied it is not being adhered to.

Mr. Thomas stated in my opinion the reason it isn't is because of a lack of supervision by Waste Management. As I mentioned, they have quite a turnover in drivers and staffing and they will miss an area and then they will go on to the next area without realizing it. The following day we get a call from the constituent and now we are almost two days behind in this area. I believe that if we closely monitor them and we continue to push for their extra supervision it will go a long way to improve that situation.

Alderman Shea stated Frank a few years back I think the Highway Department bid on that job. I know that you are very astute about different expenditures. Is there a point at which the City could take over that type of an operation and make it less controversial as it were because obviously if the City workers were involved there seems to be in my humble opinion less problems with trash collection then there is with recycling. Could you elaborate please?

Mr. Thomas responded I agree with you 100% and we do provide a better level of service than the private sector at least in that area. However, it quite frankly is not going to be cost effective to the City. We could not compete against the private sector in the yard waste area because you have to...we can collect it cheaper and be more efficient at doing that but then you have to quite frankly get rid of it. In operating a compost facility, number one we would need the area now. The area that we were previously using we stockpiled materials at. There were some odors that were being created by the composting operation and obviously there is a lot of labor that is involved and equipment costs because you have to keep turning the piles and whatnot. That is where we fail to be competitive. Waste Management collects it and they will either bring it to another company that is geared up for that or they will bring it to their own facility where they have the volume to be able to offset those additional labor and equipment costs.

Alderman Shea asked to follow-up are we like 25% or 50% over their costs or 10% or 80%.

Mr. Thomas replied offhand I don't remember. We do have that information in the files and I will be glad to furnish it to you.

Alderman Shea stated well I don't want to give you any extra work. You have enough to do.

Alderman Roy stated Frank as you know I sit on the Solid Waste Committee that Alderman Forest chairs and we have been working very hard on encouraging additional recycling. What will renewing this contract do to any implementation of weekly recycling? Is that a provision that you can add to this contract or would we have to renegotiate?

Mr. Thomas responded definitely. We have talked to Waste Management in the past regarding going to weekly recycling as either part of the enhanced pay as you throw program or just going to a weekly basis to improve participation. More money or expanded services we don't have a problem with.

Alderman Gatsas stated Frank I think we all know that unless there is a penalty phrase in a contract we have no teeth as a City and until we institute a penalty that says if you don't collect you get a penalty...until we institute that in the contract we are never going to have a successful waste management company picking up garbage.

Mr. Thomas responded I tend to agree with you. The only penalty left that is in the present contract is that they have 30 days to correct the deficiency or we can withhold payment. Typically a lot of these problems, once it gets to my level and I sit down with the general manager they get resolved but then they typically trail off.

Alderman Gatsas asked how many years have we been with Waste Management.

Mr. Thomas answered approximately going on about eight years.

Alderman Gatsas stated eight years and I bet...and you have been the Director for at least eight years.

Mr. Thomas answered yes.

Alderman Gatsas stated I would say that probably the biggest complaint you receive from any members of this Board is for non-collection.

Mr. Thomas responded correct.

Alderman Gatsas asked so in eight years why would we have not instituted in the contract a penalty for them.

Mr. Thomas answered because we would have to go through a procurement process again. If I just sit down...

Alderman Gatsas interjected oh-oh. Did you ever see the Groucho Marx's show?

Mr. Thomas asked the secret word.

Alderman Gatsas answered yes.

Mr. Thomas stated the procurement code is heading back to the Solicitor's Office for final review.

Alderman Gatsas stated I just have to go there your Honor because you promised this Board or the last Board that we would have seen it in October. A procurement code.

Mayor Baines asked Frank did you make me promise that.

Mr. Thomas answered no and quite frankly we are moving forward with all of these different projects quite satisfactorily without it. We can take those actions on an individual basis.

Alderman Gatsas stated your Honor that was your promise to me. After waiting four years for a procurement code we should have one in place so that we can go forward. Unless we change this contract...

Mr. Thomas interjected again I don't think we need a change in the procurement code to change this item but again I do not...my option is just to roll over the contract. It is not a renegotiation of the contract. In order for me to build language into a new contract basically I got to go through a procurement process again. This is just a roll over. If I open it up, quite frankly, they can open it up for prices and whatnot. These prices have all been locked in for the eight years. It was a set bid price within a year adjustment based on a CPI so the only way I can bill that language in is to go through a procurement and in addressing Alderman DeVries that is why I mentioned if things don't improve over the next six months then my recommendation...I will be coming back to the Board and I will suggest that we start a procurement process maybe in six months so that we can be in a position to award a new contract come the following July.

Alderman Forest stated just to get Frank off the hook here back before Christmas there was a recycling and yard waste Committee, which everybody sort of abandoned. After January Aldermen Guinta, Roy, myself and Thibault are now on this Committee and I think we have asked and complained to both Frank and Kevin Sheppard for the past month about every conceivable complaint there can be against Waste Management. I think what we ought to do is Frank knows what our concerns are. We have put Waste Management on notice that if they want this contract again that they better abide by what is in there now and we are going to have some very strict penalties come the end of this year. There is nothing we can do about their contract right now. We need them for another year but I think the RFP should go and I think we ought to get some fees in our next contract and Frank is aware of this.

Mr. Thomas stated but it is not only the Committee that has made the complaints. I have gotten complaints by everybody and the Aldermen and Dave Scannell.

Alderman Guinta asked why wouldn't we just send this to Committee now to expedite the process. It has been eight years without any real dramatic change in the quality of service.

Mr. Thomas answered the reason I am asking for these contracts to be renewed for one more year is that we need the service for this upcoming year and in order to go through the procurement process we need six months. So ideally this next year is the decision-making period but we just can't stop the contract or the yard waste is not going to get collected and the recyclables will not get collected.

Alderman Guinta asked so in order to insert a penalty clause we would need to...we would have to go through the procurement process.

Mr. Thomas answered that is correct because the provisions that we have right now is basically rolling over the contract and it gives us the opportunity to get out but it requires Waste Management to go another year with the same contract language and same unit price except for the yearly CPI adjustment.

Alderman Guinta asked so the procurement code issue is something that the City could start to address now though right.

Mr. Thomas answered I think the Solid Waste Committee could start monitoring along with the Highway Department the performance and then make a recommendation or support a recommendation that I would make to seek a new vendor at the end of this contract period.

Mayor Baines called for a vote on the motion to approve another one year contract with Waste Management, Inc. and further to authorize the Public Works Director to execute any related documents, subject to the review and approval of the City Solicitor. Alderman Gatsas requested a roll call vote.

Alderman Guinta asked we added an amendment to...

Mayor Baines interjected the Public Works Director has asked for the contract to be extended and I think we should honor that request this evening. The rest of it will go to Committee.

Alderman Guinta responded that is what I wanted to add. Can we add that the rest of the issue would go to Committee.

Mayor Baines asked can we take that motion after we vote on this.

Alderman Gatsas stated we should extend only a six month contract and get this ball rolling.

Mr. Thomas responded again the provisions are for a year at a time. The roll over is for a year.

Mayor Baines stated let's start the roll call. Aldermen Gatsas, Guinta, DeVries, and Garrity voted nay. Aldermen Osborne, Porter, O'Neil, Lopez, Shea, Smith, Forest and Roy voted yea. The motion carried.

Alderman Guinta moved to refer the issue of procurement for future recycling and yard waste services to the Special Committee on Solid Waste and Recycling. Alderman Forest duly seconded the motion. Mayor Baines called for a vote. There being none opposed, the motion carried.

Ordinances:

“Amending Section 33.026 (Laboratory Technician I) of the Code of Ordinances of the City of Manchester.”

“Amending Section 33.026 (WWTP Operator) of the Code of Ordinances of the City of Manchester.”

On motion of Alderman O'Neil, duly seconded by Alderman Lopez it was voted to read the Ordinances by title only, and it was so done.

These Ordinances having had the approval of the Human Resources Committee, Alderman Forest moved on passing same to be Ordained. Alderman DeVries duly seconded the motion. There being none opposed, the motion carried.

Ordinance:

“Amending Section 33.026 (Public Health Specialist) of the Code of Ordinances of the City of Manchester.”

On motion of Alderman O'Neil, duly seconded by Alderman Roy it was voted to read the Ordinance by title only and it was so done.

This Ordinance having had the approval of the Human Resources Committee, Alderman O'Neil moved on passing same to be Ordained. Alderman Smith duly seconded the motion. There being none opposed, the motion carried.

**NEW BUSINESS**

Communication from the NCAA Regional Organizing Committee in care of the Manchester Area Convention and Visitor's Bureau and they are requesting \$5,000 from the contingency fund to allow the Bureau to purchase six lamppost banners that will be placed in front of the Verizon Wireless Arena on the weekend of an upcoming hockey tournament.

Alderman O'Neil moved to transfer \$5,000 from contingency for the purchase of six banners. Alderman Forest duly seconded the motion.

Alderman Lopez stated I can't support this for the following reasons. I really believe that we have given these people at the Visitor's Bureau \$100,000 and I think that for \$5,000 there are a lot of business people out there that somebody should contact to be a sponsor. I am opposed to this. I just don't think enough work has been done.

Mr. David Scannell stated I was on the committee and the reason that this is coming in at this time is precisely because they could not find banner sponsors and the decision among this group was made to make the request of the City as a last resort. We have gotten a number of

sponsors for a large event that they are holding at St. A's and for some other public events that are going to occur but they could not get people to sponsor the banners.

Alderman Shea stated I concur with Alderman Lopez. I don't think we should be using taxpayer's money to sponsor banners for the NCAA. I believe that it is worthwhile and I like hockey and so forth but I don't think we should be using taxpayer's money for this purpose. I would vote no and later on I would like a roll call on that.

Alderman O'Neil stated my guess is and maybe David has this information but this event alone is going to bring hundreds of thousands of dollars to the local economy.

Mr. Scannell stated there are 30,000 people coming and they have sold out the venue but the key group they want to appeal to is the NCAA Committee that makes the determinations in the future for where they are going to locate these tournaments. According to what the committee was told, places like Worcester and even Buffalo in the past couple of years have not really put their best foot forward and done a whole lot in addition to what goes on in the arena and the people who run the NCAA Tournament Selection Committee are looking to see what a community does above and beyond what goes on in the arena.

Alderman O'Neil stated I remember a Manchester resident named Jim Jensen who ran Harbor Lights in Boston and I am drawing a blank on what it is called now but I remember him telling me a few years ago that the entertainment industry can prove and I guess that sports is the same thing but for every dollar spent on a ticket there is \$3 to \$5 spent on something else. This is a business decision and I think it is a pretty cheap investment for us for \$5,000 compared to what the businesses in Manchester will see in return. I urge my colleagues to support this.

Alderman Roy stated I do agree that we are custodians of the taxpayer's dollars but since I have sat on this Board for two months we have approved monies for teams to go play in other states and this I see as an opportunity for the City to put its best foot forward and show everyone who comes to the NCAA tournament that we are a friendly place to be and that we support our businesses and restaurants. That will help bring business to the City and I do concur with Alderman O'Neil that this is not a short-term event. This is every year and if we can bring more events back to the City and show our best face then it will pay off in truckloads.

Alderman Gatsas stated let's not fool anybody. The NCAA hockey regional tournament came to the Verizon. I don't remember seeing any posters or banners on Elm Street that brought them here. They came here because they understood the venue and they understood that it was a great facility to play in and banners aren't going to change that thought process. We have a great facility. The service to the people that go in there is wonderful. The playing surface is great. They are sold out and they are going to continue to come back.

Five banners for \$5,000 and again my colleague from Ward 1 has to remember that those sports teams that we sponsored...a lot of those kids are taxpayer's children in the City so sponsoring those sports teams is not like putting up five banners that say come back to the Verizon center. They already came here and there were no banners that attracted them the first time. I agree with my colleague, Alderman Lopez that I don't think it is just \$100,000 that we gave them because I believe the state...how much did the state contribute?

Mayor Baines replied the state matched the \$100,000.

Alderman Gatsas stated so they got \$200,000 in that Convention Center and they are coming into the City understanding what the financial status of this City is right now...we are talking about finding cuts in your budget and obviously your Honor it is not an easy position for you to be in. I am not saying that \$5,000 is going to break the bank but I would say that having \$200,000 in a kitty the convention center certainly should be able to find \$5,000 to put up banners if that is what they want.

Mayor Baines asked why would the banners be \$1,000 a piece.

Mr. Scannell answered that is the cost that I was given.

Alderman O'Neil stated I don't believe the tournament miraculously showed up here in Manchester. I believe that UNH had to put a bid in on it. This isn't something that just happened and somebody just decided to come to Manchester. There was an aggressive campaign to bring it here and I think we need to put our best foot forward. This is going to bring 30,000 people into the City spending money on hotels and in our restaurants and in our stores. Those places all pay property taxes in this City and we are always trying to encourage more commercial development. Let's lessen the burden to the homeowner. Let's not spin this the other way around. The arena is supposed to be bringing more commercial development to the City of Manchester and lessening the burden to the residential taxpayer.

Alderman Porter asked how big are these banners and what is actually going to be on them.

Mr. Scannell answered they are like the traditional banners that are actually going to be twins so I guess you could say there are 12 of them altogether. It will say Manchester Welcomes Hockey Fans.

Alderman Lopez stated if this were a request for \$5,000 to Frank Thomas to clean the sidewalks downtown I would be jumping at the opportunity. The cleanliness of some of the places downtown needs to be addressed more than banners. We can put up the American flag and welcome the hockey teams.



Mayor Baines asked we couldn't get one corporate sponsor to buy a banner from like Coca-Cola or Verizon...

Mr. Scannell interjected the *Union Leader* is doing a supplement. What Marcia said was that she couldn't sell these.

Mayor Baines called for a vote on the motion to approve the transfer of \$5,000 from contingency for six banners. Alderman Shea requested a roll call vote. Aldermen Shea, DeVries, Garrity, Gatsas, Guinta, Osborne, and Lopez voted nay. Aldermen Smith, Forest, Roy, Porter and O'Neil voted yea. The motion failed.

Communication from the Mayor regarding the committee for the lobbyist selection.

Mayor Baines asked Alderman Shea would you like to brief the Aldermen on our meeting regarding reviewing the requests for proposals.

Alderman Shea stated we did have a meeting on Tuesday. The Mayor was at the meeting along with Tom Arnold and Alderman Roy and Mike Colby and it was decided to open up the bids. I believe there were nine bids as stated here in the communication. There is going to be an organizational meeting consisting of the members listed on this page. Carol Johnson, Alderman Roy, Alderman Guinta, Mike Colby and myself are members of the committee and we will have a subsequent meeting to decide on the top three on March 12 and then we will bring a recommendation to the Board and whether they want to accept it or not is up to them. I think that at the meeting when we do discuss this we will also discuss the fact that the NH Municipal Association would still carry through this year and whether or not we would continue with that particular membership next year.

Alderman Guinta stated I wonder if I could...I don't know if there is a certain procedure that I need to...

Mayor Baines interjected was there an item that you wanted to go back and discuss.

Alderman Guinta stated yes.

Mayor Baines asked which item was it.

Alderman Guinta answered Item H.

Mayor Baines stated why don't you just...I will entertain a discussion. Alderman Shea brought that up.

Alderman Guinta asked he did bring it up.

Mayor Baines yes and we had some discussion on it.

Alderman Guinta responded I apologize.

Request to extend the Center of NH Parking Garage contract through May 4.

Mayor Baines asked, Mr. Arnold, would you please brief the Board on this.

Deputy Solicitor Arnold stated the Traffic Committee, as you all know, had us go to the Center of New Hampshire to negotiate a new operating agreement for the Center of New Hampshire garage. We have done that. We have had several meetings. As you may recall the contract was extended until today. I believe we have an agreement in principal and I need time to reduce it to writing and get it back to the Traffic Committee so they can review it and get it to the full Board. We are asking that the present contract be extended until May 4 in order to give us a chance to do that.

Alderman Osborne moved to extend the operating agreement with the Center of New Hampshire until May 4, 2004. Alderman Guinta duly seconded the motion.

Alderman Lopez stated I thought there was going to be some discussion about their making an offer to buy that garage.

Deputy Solicitor Arnold responded that has been discussed. Initially they said they weren't interested. We had some further discussion on that this afternoon. I am not sure exactly where that is going to proceed at this point but they may be interested in doing that depending on what the price is. We may have to do things such as an appraisal, etc. to come up with an offering price and that would take some funds to do.

Alderman Lopez asked would that be...if we extend the contract would that be part of the agreement that they would have the option to buy it.

Deputy Solicitor Arnold responded they already have that option. That is part of the original development agreement with the hotel.

Alderman Gatsas stated we have been extending contracts now for parking for the better part of two years. We still haven't seen a contract before us that keeps the City at no risk for loss of revenues for parking. When they say to us we can't hire somebody for less than \$12 the City has to pay more. It is time, your Honor, that we start understanding where we are with these parking garages. We put the one off on Chestnut and Manchester Streets for I don't know how long. We are putting this one off again for another year. I think it is time that we

understand where these parking garages are and what it is costing the City. Enough is enough.

Mayor Baines asked isn't the request just to extend it until May so you have an opportunity to write the report up and bring it to the Traffic Committee.

Deputy Solicitor Arnold responded that is correct and what we are negotiating is the operating agreement – the hotel's right to operate the garage under the original development agreement. That certainly doesn't foreclose trying to sell the garage.

Mayor Baines called for a vote on the motion to extend the operating agreement with the Center of New Hampshire until May 4, 2004. The motion carried with Alderman Gatsas being duly recorded in opposition.

Alderman Lopez stated I was wondering if we could discuss or if we could be brought up-to-date here because there seems to be some confusion in reference to the halfway house. I understand that at the last meeting we discussed that the Board of Mayor and Aldermen would have to weigh in on this.

Mayor Baines stated there was an initial meeting today with the staff committee that was set-up and I understand that there will be representatives that will be coming before the Traffic/Public Safety Committee at their next meeting.

Alderman Lopez stated the question and what I am saying is all of the bids and everything have to be in by March 9 and we are not going to meet as a Board until the third week of March.

Chief John Jaskolka stated I met this evening with the staff in regards to this. I think we all have researched our own areas. The RFP's are due on March 9. The missing link out of all of this...I have talked to Federal Probation and the U.S. Marshall and I have talked to one of the companies interested in bidding on the halfway house. The people who have the answers that we are seeking is really the Bureau of Prisons and they will be present on March 9 to address the Traffic/Public Safety Committee in regards to our questions we have. What we did do in our meeting today was we compiled a series of questions that I will be sending up to U.S. Probation and the U.S. Marshall's Office so they can forward those to the Bureau of Prisons so we can try to get those answered prior to next week's meeting so we will have those answers going into that particular meeting and the Aldermen will be able to address the people from the Bureau of Prisons in regards to the concerns that we have about the halfway house.

Alderman Lopez stated but Chief I thought that when somebody is submitting their application for a halfway house there was a statement in there that the Board of Mayor and

Aldermen of a city would have to either agree to it or not agree with it. I am very curious as to how the entire Board here is going to weigh in on it. The Traffic Committee is not the Committee that has to weigh in. It is the full Board of Mayor and Aldermen the way that I understand the documentation. Would you correct me if I am wrong?

Chief Jaskolka responded it is my understanding that the RFP goes in to the Bureau of Prisons on March 9. From a letter that I just received from one of the companies it will be several months that the Bureau of Prisons will be looking into these before any decision is actually made. I think this whole thing is in the very preliminary stages in that they are getting the RFP's and the Bureau of Prisons will spend time looking into the different proposals.

Alderman Lopez stated I think at the last meeting it was stated that in order for them to submit their application on March 9 that a letter from the City would have to be part of that application. That is my problem. How is the Board of Mayor and Aldermen going to weigh in on whether they want that or not with the application that is going in? That is my problem.

Chief Jaskolka replied the companies bidding on it are going to be looking for letters from the City and people that they have met with. Again, the only company that I have spoken with has asked for a letter and the only thing that I put in the letter is that I have, in fact, met with them but that I have not come out either for or against the halfway house at this point because I don't have all the information.

Mayor Baines asked so your answer is that we have time to weigh in as a City. From what I understand they are committed to working with the City and seeing if this is a favorable situation for them before they proceed and finally locate a halfway house here in Manchester. Is that correct?

Chief Jaskolka answered correct. The Bureau of Prisons won't go forward with this if they don't have the community support.

Mayor Baines stated so the Chief is saying that he believes there is plenty of time for us to deal with this issue going forward. There will be a Committee meeting on March 9 when we can flush out questions with the Bureau of Prisons and then bring that to the next Board meeting.

Alderman Lopez stated I just want to make sure that...the way these applications go in if the City hasn't weighed in one way or the other it might be favorable to the applicant and that might not be correct.

Mayor Baines responded we can follow-up on that to make sure that we are all set with that

Alderman Shea stated I realize that you are going through a lot of work, Chief Jaskolka but if you do not have the support tonight from this Board it is sort of futile on your part to go into detail with different companies as it were. In other words, in discussing this issue with other members of the Board and obviously I don't have the full thinking of the Board but there is certainly ambiguity on the part of the Board at this stage as to whether or not we would like you to continue with this process. In other words, are we being unfair to the Chief in terms of having him spend a lot of time on an issue that ultimately down the road we may not even agree with? Your Honor, it might be beneficial if we got the feeling of the Board now in terms of whether he should proceed with this or not. He could be doing a lot of ground work and taking time away from his responsibilities as a community leader and there are members here who may say we don't want this federal halfway house here. That is all I am expressing. Other members may feel the same way or they may not.

Alderman Forest stated I believe at the last meeting when the Chief was here and he gave us information on this halfway house I think we gave him the authority to ask these people to come back before the Traffic/Public Safety Committee to explain where they stand. I don't think we should be cutting the Chief off in mid-stream before we have even had the meeting.

Mayor Baines stated again I thought that at the last meeting we received the letter, discussed it and thought it was a prudent course of action out of courtesy to the Federal Bureau of Prisons and obviously the Chief from time to time finds himself working with all of these different agencies and we are going to have a Federal prison here in New Hampshire up in Berlin as you know...as a matter of courtesy we were going to have them come in because they identified Manchester and we want to have a dialogue with them and I think we should at least have that dialogue that night and then decide how the City wants to proceed in terms of this effort.

Alderman Garrity stated the City of Manchester has done their fair share of halfway houses. I want to move that the Board go on record as opposed to having a Federal halfway house in Manchester.

Mayor Baines asked so we would withdraw our invitation to all of the Federal agencies to come in next week.

Alderman Garrity asked are you accepting my motion.

Mayor Baines responded I am just asking the question.

Alderman Gatsas asked who do you want to answer it.

Mayor Baines replied no one. Hasn't an invitation been extended to all of these different agencies?

Chief Jaskolka responded the Probation Department, U.S. Marshalls and Bureau of Prisons are all scheduled to be in next Tuesday.

Alderman Gatsas duly seconded the motion.

Alderman O'Neil stated one of the things...those comments were made earlier this evening and in my discussion with somebody from U.S. Probation these people are already in the community. They are not bringing in people from all over the country. My understanding is these are people already coming to Manchester to live. They are living in New Horizons and what they are trying to do from my understanding is bring them back and integrate them into the community in a controlled environment. They are coming here. This is where the services are for buses to get to work and for social services. If we think by going on record these people aren't going to come here...they are still going to continue to come to Manchester in an uncontrolled environment. I would just ask my colleagues to please keep that in mind. It has nothing to do with the Bureau of Prisons new Federal prison being built in Berlin. These are people from here and for some reason because either they are from here or they have family members here they are coming to Manchester anyway.

Alderman Roy stated Chief we have been identified because of our infrastructure and other reasons. Have any other New Hampshire cities or towns been identified that you are aware of?

Chief Jaskolka replied to the best of my knowledge at this point, no. Nashua was approached some time ago. It is my understanding from the information that I collected from different people that they identified a location in Nashua. The Aldermen I believe, one of the females, was opposed to it. The neighborhood was opposed to it. I believe there were issues with drugs and prostitution in the neighborhood and they finally ran into some zoning issues and the Bureau of Prisons eventually pulled out.

Alderman Roy stated though I agree with sending a strong message with Alderman Garrity, I would like to give the professional a chance to weigh in and then as a full Board take a strong stance. Personally I am against it and if I have to vote on that this evening I will vote to send that message but I do believe that we owe the professionals an opportunity to meet with the Committee on Traffic.

Mayor Baines asked would the intent of this motion be to not have that meeting on March 9.

Alderman Garrity answered the intent of the motion is to have this Board go on record as being opposed to the Federal halfway house in Manchester. Either you have the support of the Board of Mayor and Aldermen or you don't.

Alderman Forest stated I also agree that we shouldn't have the Federal government or state or county drop off people that are going to be crime ridden in this City and commit burglaries or whatever but the alternative is that these people are going to be released in the City anyway. They live here. They are coming out of prison. The alternative is to have someone that has been in prison for 10 years dropped on to our City streets without knowing the new laws or anything else. At least with talking to these people we can either deny it or set some control as to how they operate in the City. That is the only thing they are doing.

Alderman DeVries stated I would like some clarification on that statement from the Chief. It was my understanding that part of the parole if you will process was that there was a release into a secure facility before they were 100% released. Is that correct?

Chief Jaskolka responded first of all this is not a secure facility. It is a halfway house. The counselors at the halfway house have actually no control over the prisoners. If someone wants to get up at 2 AM and walk out of the house, they are going to walk out of the house. The purpose behind the halfway house is to allow someone who has been in Federal prison for seven, eight or nine years to come back into society. Society has changed so much in that amount of time that that person is going to come out and have no idea, no health insurance, no place to live, and no employment. As part of the program and it is a set program that by so many days they have to have a job and by so many days they have to get some type of identification and by so many days they have to identify the services that they need be it AA, medical, dental, etc.

Alderman DeVries replied I guess that is not answering my question. If we do not have the facility here, do they go to a halfway house in another community or another state?

Chief Jaskolka responded that would be up to the Federal government. I can't answer that.

Alderman Gatsas stated Chief I guess I have to ask the question because if my memory serves me correct you were asked the last time we broached this subject what your opinion was and if I remember correctly you were opposed to it.

Chief Jaskolka responded I am opposed to it in that I don't want to bring more prisoners into the City. I don't disagree with the program. I think that it is a program that is needed but as I think you heard earlier Manchester does have its share of...we have a county jail, we have a youth detention facility, we have a youth halfway house and we have an adult halfway house in this City already.

Alderman Gatsas stated from my understanding from some of the research that I have done, Manchester has all of the halfway houses except for one in the state and that one is in Concord. Every other halfway house is in the City of Manchester.

Chief Jaskolka responded that is correct.

Alderman Gatsas stated I find it very difficult to understand why they aren't going to Nashua. This evening we had before us a resolution in opposition to legislation and we were going to send that message out as a Board. I think we need to send a very clear message this evening and I agree with Alderman Garrity. If he didn't make the motion, I was going to make it. There are enough halfway houses in Manchester. Concord has one. I say that the rest of the state take some of the burden. The Chief doesn't need anymore prisoners in the City that he has to worry about. I think he has enough of a burden now. It is a play on the taxpayer's money because he needs to worry about enforcement in those halfway houses. I think as a Board we should send a very clear message and maybe we should have sent it two weeks ago when we had the opportunity and we didn't. I think this evening we have a clear opportunity your Honor and you are right...should we cancel those meetings? Yes we should.

Mayor Baines responded I have no argument with the position that the Chief has. The only thing I thought was that we had a letter from the Federal government and it was a matter of courtesy that we would sit down with the Bureau of Prisons and discuss it with them. We may have come to exactly the same conclusion after we learned more about this program and what they were trying to do. That is my only basis here. My initial reaction is also the same. We have enough halfway houses in Manchester but I thought it was a courtesy that we should extend to them to have a dialogue with them so they can thoroughly explain what they are trying to do and we could come to the same conclusion. If the Board chooses that they don't want to do that, you have a right to do that.

Alderman O'Neil stated I guess I take some exception to my colleague from Ward 2 that because you have a halfway house that automatically means there is a call for service to the Police Department. I think the halfway houses if I recall, and I am only going by an article that was in the paper but there were minimal calls for service by the Police Department. If we want to use that approach we should probably get rid of the two hospitals in the City because the Police Department lives at the hospitals with calls for service. I think that is a very unfair statement to make about a halfway house that it automatically means there is going to be a call for service to the Police Department. I totally disagree with that statement and if we want to start looking at calls for service, look at the hospitals and look at other social service agencies around the City and we will see considerably high numbers of calls for service than any halfway house in the City has.

Mayor Baines asked do you have a lot of call for services at halfway houses, Chief.



Chief Jaskolka answered what I did in response to a request from the *Union Leader* is I ran a three year survey on calls for services to the different facilities in the City. At 136 Lowell Street, the midway shelter, over a three period they had 217 calls or 72 per year. At 126 Lowell, the adult center, there were 36 calls for service or 12 a year. YDC was up at 471 for the three year period or 157 a year and the Valley Street jail was a high of 595 or 198 per year. Some of that of course is paperwork service. 174 was actually paperwork services like subpoenas, domestic violence petitions and so forth.

Alderman Gatsas stated to go back to where my colleague, Alderman O'Neil was going and I appreciate that you did those statistics Chief, I come up with 443 calls in the course of a year on an average based on what you gave me for numbers when I did them quickly. Do you get 222 calls per hospital in the course of a year, Chief?

Chief Jaskolka responded I didn't run those numbers. We go to the hospitals a lot.

Mayor Baines stated every time I have been in the emergency room with a family member there have been at least one or two police officers that are arriving.

Alderman Guinta stated I wanted to maybe clarify a statement that you had made. At the last meeting I had asked for this issue to be expedited and we had this discussion about talking to the U.S. Attorney and I even requested that we have a meeting at the Mayor's Office and I invited any Alderman who wanted to participate to participate in that meeting so we could at this meeting address this issue prior to the March 9 deadline. I want to make that clear. I thought two weeks ago that this was important enough to expedite and I even suggested that we do a phone poll if necessary. That is where I left the last meeting and I don't know if you had a chance to speak with the U.S. Attorney or not but I know that we haven't had a meeting on this issue since the last Board meeting.

Mayor Baines replied following that meeting I asked David to get in touch with the people at the U.S. Attorney's Office to expedite a meeting and I guess that is how the meeting that was set-up with Traffic/Public Safety happened. The next day we got on the phone...I called and we played telephone tag for awhile and then I left and I had David follow-up so we tried to get it going.

Alderman Guinta responded at the last full Board meeting my concern and I think what I conveyed and I don't want to speak for everybody on the Board but I think the understanding of the Board was that this was going to be an expedited matter so we could address it this evening.

Mayor Baines replied that is fine and I guess it is on the floor and if you want to vote you can.

Mayor Baines called for a vote. Alderman Guinta requested a roll call vote.

Aldermen Guinta asked what the motion is.

Deputy Clerk Johnson stated the motion on the floor is that the Board stand opposed to a Federal halfway house in the City of Manchester.

A roll call vote was taken. Aldermen Guinta, Osborne, Porter, Lopez, Shea, DeVries, Garrity, Roy and Gatsas voted yea. Aldermen O'Neil, Smith, and Forest voted nay. The motion carried.

Mayor Baines asked in terms of the previous action of the Board to set-up this meeting unless there is a motion to the contrary I assume that meeting will still take place.

Alderman Gatsas moved to cancel the discussions with the Federal agencies on March 9. Alderman Guinta duly seconded the motion.

Mayor Baines asked what would be the process for doing that.

Deputy Clerk Johnson answered at this point it is an item to be placed on the Traffic Committee's agenda. If the Board requests that the Traffic Committee not meet on that issue then that would be the motion.

Aldermen Gatsas and Guinta so concurred with the motion as restated.

Alderman Roy asked, Chief, with the vote we just took and I believe it was 9-3 against having this in the City of Manchester, would that end this process like it did in Nashua or should we still get information at the meeting.

Chief Jaskolka answered Nashua didn't terminate the process. They ran into zoning issues and the Bureau of Prisons pulled out. If this Board wants to tell the Bureau of Prisons that they are not wanted here, that should be a letter or notification from the Board. If you still want to listen to what they have to say then it would go to the Traffic/Public Safety Committee.

Alderman Roy myself as an Alderman if this has any possibility of being in the City of Manchester I want that information. If it is a dead issue then yes I agree we should cancel the meeting but if it is not ended or terminated with that last vote then I would be in favor of hearing them out.

Mayor Baines asked could they locate here without the support of the Board of Mayor and Aldermen if they choose to. If they select a facility and the facility met all of the zoning requirements...I am not sure they would but couldn't they locate here if they wanted to.

Chief Jaskolka answered I don't think they would because they want to know there is some support but I believe if they met all of the zoning requirements they could.

Mayor Baines asked so if they determined that there was such a compelling need in this community and again that is my understanding too that they won't unless there is the support but they could locate here.

Chief Jaskolka answered they could but I know they are looking for community support.

Alderman Guinta stated in the discussions that I have had with them they have indicated to me that they will not locate here unless the community supports it and I think we are sending a clear message that we prefer they look at other communities.

Mayor Baines called for a vote on the motion to not have this item taken up by the Committee on Traffic/Public Safety. Alderman Guinta requested a roll call. Aldermen Guinta, Osborne, Porter, Lopez, Shea, DeVries, Garrity, Roy and Gatsas voted yea. Aldermen O'Neil, Smith and Forest voted nay. The motion carried.

Alderman Shea stated one of the Aldermen did approach me the other night and indicated to me that he had asked for some information from a department head and did not receive it. I would encourage department heads that when an Alderman asks you either say I can't give you the information and this is why or you give it to them but this is a constant problem and I think it bears repeating at every meeting that when a person from the Board asks for information, legitimate information, that they should receive it in the due course of time.

Mayor Baines responded I agree and I would urge any Alderman who has that situation to call this office and talk to me or one of my assistants if that happens and I am sure it will be received.

Alderman Shea stated thank you your Honor for that cooperation.

Alderman DeVries stated I would like to revisit Item 10, which is a tabled item and ask for clarification if I could from the City Clerk's Office. Do we need to deal with that at the Finance Committee before we can dispose of that?

Deputy Clerk Johnson responded yes you would accept the report and then refer it to the Committee on Finance.

**TABLED ITEM**

- 10.** Report of the Committee on Community Improvement recommending that the Board authorize transfer and expenditure of funds in the amount of \$40,000 (Other) for CIP 511603 Recreation Facility Improvements (Leveraged) Project.

On motion of Alderman DeVries, duly seconded by Alderman Lopez it was voted to remove this item from the table.

Alderman DeVries stated this has been tabled because we had been trying to have a special committee to deal with any in kind contributions going to that project. The discussions haven't been fruitful and there is a timeliness to the check. We don't want it to expire sitting in our safe and lose the benefit of the \$40,000 that has been given. I would say that it is time for us to move the process along.

On motion of Alderman DeVries, duly seconded by Alderman Lopez it was voted to accept, receive and adopt the report and refer the resolution to the Committee on Finance.

Alderman Roy stated I wanted to let my colleagues and the public know that I am starting to work with the Police Department on...we had a large problem at Stark Park with lewd behavior and at our next Traffic Committee meeting I will be bringing forward a presentation that will include comments from Parks, Fire Department, Police Department and Traffic on possible changes to the park in order to prevent the continuation of lewd behavior at Stark Park.

There being no further business, on motion of Alderman Smith, duly seconded by Alderman Shea it was voted to adjourn.

A True Record. Attest.

City Clerk